

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:)	CHAPTER 7
)	BANKRUPTCY NO. 09-00507 C
JOEL D. MANN,)	
)	
CAROL A. MANN,)	MOTION FOR CONTEMPT
)	AGAINST BENEFICIAL
)	FOR VIOLATING BOTH THE
)	AUTOMATIC STAY AND
)	THE DISCHARGE ORDER

COME NOW Debtors, through their undersigned attorney, and for their Motion for Contempt state as follows.

1. Debtors, Joel D. and Carol A. Mann, filed a Chapter 7 Bankruptcy in the United States Bankruptcy Court for the Northern District of Iowa on March 9, 2009.

2. Plaintiff, Beneficial Iowa, Inc, was listed on the appropriate schedules in the bankruptcy as a creditor under the name of Household Finance Beneficial (hereinafter "Beneficial") and was service with notice through the Court's electronic noticing system.

3. In spite of Beneficial's apparent knowledge of this bankruptcy filing and the automatic stay, Beneficial filed a civil collection action against the Debtors in Linn County District Court on March 24, 2009.

4. Debtors' counsel notified Beneficial again of the bankruptcy stay by filing and serving a Notice of Stay in the Linn County District Court on March 30, 2009 and by further filing and serving a Notice of Void Filing in Linn County District Court on June 2, 2009.

5. Subsequently, Beneficial began sending monthly billing statements to Debtors and continues to send those statements in spite of multiple prior notices and in spite of a letter sent to Beneficial by Debtors' counsel requesting that the dunning stop and warning of possible Court action if dunning were to continue.

6. Beneficial has not responded to any of Debtors' counsel's communications to date.

Debtors request that the Court levy an appropriate sanction on Beneficial to compensate Debtors for the unwarranted violations of the stay and discharge order and to cover Debtors' attorney fees. Debtors further request that the Court levy an appropriate sanction to discourage such conduct by Beneficial in the future.

Respectfully submitted,

/s/ Janet K. Hong

Janet K. Hong, AT0003586
Hong Law, P.L.C.
101 Second Street SE, Suite 600
PO Box 1307
Cedar Rapids, IA 52406-1307
Business 319-294-5853
Facsimile 866-213-4371
E-mail: janet@honglaw.com

PROOF OF SERVICE

This is to certify that I have this day served a true and correct copy of MOTION FOR CONTEMPT AGAINST BENEFICIAL FOR VIOLATING BOTH THE AUTOMATIC STAY AND THE DISCHARGE ORDER by depositing same in the U.S. Mail, properly addressed, and with sufficient postage affixed thereto to ensure delivery to the following:

OFFICE OF THE U.S. TRUSTEE
SUITE 400, THE LAW BUILDING
225 SECOND STREET SE
CEDAR RAPIDS, IA 52401

WESLEY HUISINGA
PO BOX 2107
CEDAR RAPIDS, IA 52406-2107

BENEFICIAL IOWA, INC.
200 ARMY POST RD.
STEFON PLAZA, SUITE 14
DES MOINES, IA 50315

HOUSEHOLD FINANCE BENEFICIAL
PO BOX 1547
CHESAPEAKE, VA 23327

BENEFICIAL IOWA, INC.
C/O HSBC PAYMENT PROCESSING
PO BOX 4153
CAROL STREAM, IL 60197-4153

Dated this 8 day of July, 2009.

/s/ Jamie Brown